



*association of central oklahoma governments
Garber-Wellington Association*

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Spencer Mayor

Vice-Chair Sandra Gragg Naifeh
Edmond Mayor

Secretary/Treasurer John Brown
Piedmont Councilmember

Executive Director
Zach D. Taylor

AGENDA

GARBER-WELLINGTON ASSOCIATION

STORMWATER TECHNICAL COMMITTEE

March 11 (Friday) 10:00 A.M.

ACOG CONFERENCE ROOM

21 EAST MAIN, SUITE 100, OKLAHOMA CITY, OKLAHOMA

- I. CALL TO ORDER - Roll Call
- II. INTRODUCTION OF GUESTS
- III. APPROVAL OF MINUTES ([Attachment III](#))

Action Requested: Motion to approve minutes of the December 10 and December 17, 2004 meetings.

- IV. STAFF REPORT – Phase II Stormwater General Permit ([Attachment IV](#))

The Oklahoma Department of Environmental Quality has issued the final General Permit for public comment and review. The NOI deadline is May 8, 2005. We will discuss the NOI requirements and the first year phase-in of the stormwater program.

Action Requested: None, for information only

- V. PROGRESS REPORT ([Attachment V](#))
- VI. NEW BUSINESS
- VII. ADJOURNMENT

MINUTES

GARBER-WELLINGTON ASSOCIATION
TECHNICAL COMMITTEE MEETING

December 10, 2004

A special meeting of the Garber-Wellington Association Technical Committee was convened on December 10, 2004 in the Association of Central Oklahoma Governments (ACOG) Board Room, 21 E. Main Street, Suite 100, Oklahoma City, Oklahoma. The meeting was held as indicated by advance notice filed with the Oklahoma County Clerk and by notice posted at the ACOG offices at least twenty-four (24) hours prior to the meeting.

PRESIDING

John M. Harrington

Division Director, Water Resources

TECHNICAL COMMITTEE MEMBERS PRESENT

Nancy Kennedy

City of Edmond

Robert Streets

City of Midwest City

Patrick Copeland

City of Norman

Aaron Milligan

City of Norman

Ruth Walters

Oklahoma County

Mitchell Hort

City of Yukon

Anna Waggoner

City of Yukon

ACOG STAFF PRESENT

Douglas Rex

Assistant to the Executive Director

Jerry Church

Special Programs Officer, IGS

Ellen Owens

Department Secretary, Water Resources Division

I. CALL TO ORDER

John Harrington called the meeting to order at 2:00 p.m.

II. INTRODUCTION OF GUESTS

There were no guests present at the meeting.

III. STAFF REPORT

A. Phase II Stormwater General Permit

John Harrington informed the Committee that the Stormwater Permit is now in the commentary period through December 30th. He asked the Committee if they had any comments on the Permit and stated that if there is a consensus on one or two points, a formal comment can be submitted to the Oklahoma Department Environmental Quality (ODEQ).

Ruth Walters asked if ODEQ will take care of violations for Oklahoma County. She said the County does not have statutes that allow the charging of fines. Mr. Harrington replied that the County issue had not been addressed yet. Ms. Walters commented that the Permit states that you can call ODEQ and that they will be the enforcing agency. Mr. Harrington said he did not know that ODEQ would be the enforcer for the violators. Nancy Kennedy said that communities have to go to the maximum extent allowed by law and then ODEQ will step in.

Robert Streets said procedures to notify ODEQ must be included if a community lacks legal authority for direct enforcement. Mr. Harrington said he does not see anything on the horizon that talks about doing that. He said that in the counties that are involved, the actual physical area that this covers is fairly small. Oklahoma County is only concerned with about 1300 acres and not much population.

Mr. Harrington went on to discuss the monitoring issues. He referred to Page 18, Part V of the permit, where the language states program compliance must be evaluated, and then appropriateness of identified best management practices, and progress toward achieving identified measurable goals. The Permit also mentions Total Maximum Daily Load (TMDL), Conducting Monitoring and, under Testing Procedures, they mention 40 CFR part 136, which is basic water quality sampling protocol. Mr. Harrington said it seems as though there is a choice in the matter of sampling but not much guidance about what to do if there is no monitoring conducted. He said if silt fences have been monitored, but water has not been tested, and we assume that best management practices will detect any water problems, will that practice be considered monitoring?

Aaron Milligan commented that would be keeping in line with what the Environmental Protection Agency (EPA) indicates are measurable goals. He said It seemed confusing that they wanted us to measure things but we weren't required to test the water, and along those lines, visual sampling could also be done. Mr. Harrington said they do talk about test kits and remarked that counting storm fences is not a 136 procedure. This permit doesn't really address 136 types of monitoring. Mr. Milligan said that the permit almost implies that is the way they expect communities to monitor. Mr. Harrington said there needs to be a modification indicating what to do if non-136 methodology is used.

Nancy Kennedy remarked about the definition of monitoring and that it was her thought that the permit is implying chemical analysis. Perhaps they need to clarify what they mean by monitoring. Mr. Harrington said he spoke to Mark Derschweiler about this issue.

Aaron Milligan said he is not comfortable with the wording that, if sampling is done, we are held to the standards of 40 CFR 136. Most test kits comply with that, but there may be some that don't. He indicated that the City of Norman was having their wastewater plant do some of the analysis. We may question the accuracy of test kits, but over a time they should show a trend in declining turbidity in discharges. Mr. Milligan said if some communities don't have a means to test and are going to hire someone to test, they may have to go with 40 CFR 136. He also said frequent sampling of PH turbidity and temperature could be done and a field kit might be used for that. He mentioned having a pesticide screen or metal screen done quarterly or semi-annually, which could be sent to a lab to get hard numbers. Robert Streets said that would satisfy the Illicit Discharge detection portion of the Permit.

Mr. Harrington mentioned that he had a similar conversation at the Water Resources Board on turbidity meters. He said the HAWK turbidity meter is not a 40 CFR 136 method. There are non-136 methods that are industry sanctioned, but not part of the regulatory arena yet. He said the way the permit reads now, we do have to do 136. Mr. Harrington said if communities did want to use 136, language should be included that would indicate how to get beyond the 136 universe.

Mr. Harrington remarked that ODEQ needs to clarify monitoring and sampling. Mr. Streets said that perhaps the permit mentions monitoring to exclude samples.

Mr. Milligan commented that there is other language in the permit about "free of floatables" and solids, which would be either visual monitoring or sampling. Mr. Streets said the EPA's Compliance Guide might have some definitions regarding that.

Mr. Harrington informed the Committee that there will be two formal meetings on the permit on December 15, 2004 in Oklahoma City and in Tulsa on December 16, 2004.

Ms. Kennedy said that in 2002, when we first started discussing the draft permit, there were lists of non-stormwater issues discharges, but in this permit there are none. She said a decision should be made as to whether these will be put into our non-stormwater discharge lists, and if so, we will need to have determination documentation. Mr. Harrington asked if they would prefer to have the list back in the permit. The Committee said they would.

B. Regional Stormwater Public Education

Jerry Church made a presentation on the Stormwater Public Education program. He said that the intent of the program is public education and outreach. With so many small

communities being affected it does not make sense for each community to have its own public education program. He said public education can consist of technical assistance, such as answering phone calls from citizens, and brochures. He said in 1996, there was a Telecommunications Act that removed the requirement of broadcast outlets from airing Public Service Announcements (PSA's). He said the Stormwater Public Education TV spot is called an advertisement. He also mentioned that everything regarding Stormwater public education will be on ACOG's website.

Mr. Church said that from a government perspective, it is always expected that public education programs will somehow modify people's behavior, which is just not realistic. He said that people just don't realize that what they do can have an impact on water quality.

Mr. Church mentioned that he has set up a media schedule for March, April, and May to go through the rainy season. He said he has developed a radio and TV spot as well as a brochure and that several thousand brochures will be printed. The brochure was created with a blank space on the back so it can be localized for each community. He said in developing the advertisement he looked at other communities from out of state to see what they had done and all of them had the same pro-active message that the average person can do or not do to attain a goal of better water quality.

Mr. Church then played the radio spot and television advertisements. He passed around the brochure to the Committee. He also mentioned that the advertising agency has entered the ad in the ADDY competition.

Mr. Streets asked how much money was involved in the public education campaign. Mr. Harrington replied that it was done with EPA money. Mr. Harrington said that INCOG will also be able to use this because it is not too site specific.

Mr. Church said ACOG will implement the public education campaign and that he will create a report showing the effects of the campaign.

IV. Progress Report

There was no discussion of the Progress Report.

V. New Business

There was no new business discussed at the meeting.

VI. Adjournment

Mr. Hort made a motion to adjourn the meeting. Ms. Kennedy seconded the motion and the meeting adjourned at 3:05 p.m.

MINUTES

GARBER-WELLINGTON ASSOCIATION
TECHNICAL COMMITTEE MEETING

December 17, 2005

A special meeting of the Garber-Wellington Association Technical Committee was convened on December 17, 2004 in the Association of Central Oklahoma Governments (ACOG) Library, 21 E. Main Street, Suite 100, Oklahoma City, Oklahoma. The meeting was held as indicated by advance notice filed with the Oklahoma County Clerk and by notice posted at the ACOG offices at least twenty-four hours prior to the meeting.

PRESIDING

John M. Harrington

Division Director, Water Resources

TECHNICAL COMMITTEE MEMBERS PRESENT

Nancy Kennedy

City of Edmond

Robert Streets

City of Midwest City

Ruth Walters

Oklahoma County

Charles Hooper

City of Nichols Hills

Jeff Pearson

City of Spencer

Cindy Garrett

Tinker Air Force Base

Anna Waggoner

City of Yukon

I. CALL TO ORDER

John Harrington called the meeting to order at 10:00 a.m.

II. INTRODUCTION OF GUESTS

There were no guests present at the meeting.

III. DISCUSSION - Phase II Stormwater General Permit

John Harrington reminded the Committee that the main reason for the meeting is to decide if there should be a formal response to the proposed Stormwater Phase II permit. Nancy Kennedy commented that she had met with Richard Smith of INCOG this morning and that he is in discussion with the Department of Environmental Quality (DEQ) about inserting wording into the permit regarding firefighting activities. This subject seems to

be a concern with Mr. Smith and also with DEQ. She indicated they would like suggestions on how to address this issue. She said Mr. Smith came up with a potential solution that rather than appear to be impeding the firefighting activities, firefighters should be permitted to finish their firefighting activities, and then the incident commander could evaluate the situation to determine if there are any potential contaminants released to into streams.

Mr. Harrington indicated that he feels that there are not significant changes between what the general permit was two years ago versus now, except for some informal comments, which he would like to prepare and submit to DEQ. A formal comment would tend to lock communities into a position and the issues we have here are not all that life threatening. Mr. Harrington said he feels that Mark Derschweiler and Steve Weber are being pushed for comments from the public as to how they feel about it. He said he thinks that this is a minor issue. He also said the permit should cover about 98% of what is happening and that incidental fire response is in the 2% category. He commented that he does not want to hinder firefighting activities and that there is already a structure to deal with spills. He said he would rather see what happens instead of writing new regulations.

Mr. Harrington called attention to *Sharing Responsibility* on Page 9 of the Permit. The language reads “*the other entity agrees to implement the control measure on your behalf and written acceptance of this obligation is required*”. He commented that he didn’t think that should be in the permit, and that it is a contractual relationship between the entity and a contractor that will perform the service. DEQ does not have to be involved. Ms. Kennedy said she felt the same. She said we are signing the general permit that indicates that we will perform these activities. How the activities are performed should not be a concern to DEQ because some communities might be hiring consultants to help with certain sections of it. We have agreed to perform these activities. The responsible party is stated in the permit.

A comment was made that Oklahoma City has a pre-qualified list of contractors. Ms. Kennedy said Oklahoma City requires pre-qualification, but the City of Edmond does not. She commented that if Edmond were to decide to not perform certain activities by themselves and instead, hired a consultant, they would have to apply for a Request for Proposal [RFP]. Ms. Kennedy said the formal, signed agreement definitely needs to be between co-permittees and that when using contractors or sub-contractors, she did not feel they should be part of the permit.

A mention was made that when there is construction in a one-acre area, there is a developer and sub-contractors. Regarding the Stormwater program, if there is a problem, who is held responsible. Ms. Kennedy said it would be the developer who is still

responsible for an individual lot. If he notifies DEQ that he is releasing that particular lot under OKR10, the individual home owner then has to apply for an OKR10 on his own.

Mr. Harrington said the language about *“written acceptance of the obligation and this obligation must be maintained as part of the description of the stormwater management program”* should be stricken from the permit.

Mr. Harrington mentioned the Optional Minimum Control Measure, which talks about extending it to the non-urbanized areas. He said he liked that idea. Ms. Kennedy said that Tulsa County is very large, but only a small portion lies in the urbanized area and if they elect to utilize the optional minimum control measure, would it be good only for the urbanized area. She said it looks like the permit is written that way. Richard Smith wondered if it could be rewritten so it could be good for all the construction going on within the County by the County. Ms. Kennedy said it would also account for all municipal activities within city boundaries or outside of the urbanized area within the city boundaries. Mr. Harrington said you would give the same liberty to the county as you would to the city and considering that county staff is usually thinner than city staff, this would save a lot of paper work.

Mr. Harrington went on to discuss monitoring. He said there is dry weather screening and monitoring and indicated that he would like the permit to define these terms in the permit somewhere. He said he had looked for an EPA definition of dry weather screening but there is none. He commented that there are many definitions of monitoring. He said he knows that DEQ will not put a definition of dry weather screening or monitoring on their definitions page. Mr. Harrington said that Mr. Smith is uneasy about the monitoring language as well. A question was asked if there is any advantage to keeping it subjective. Mr. Harrington said that Mark Derchweiler would like to keep the language vague enough so as not to discourage people from doing the things that are necessary. On the other hand, he said maybe we should let this issue go at the moment, and deal with issues as they come up later on.

Mr. Harrington summarized what was discussed at the meeting. He said there would be no formal comments, but some informal comments next week. Ms. Kennedy said she would like to see that we are in consensus with the INCOG comments and that MS4's are in agreement.

Jeff Pearson indicated that he is new to the Stormwater program. He said it is his understanding that EPA wants cities to start policing this and they want to start educating the public on illegal dumping. He said there are a lot of areas in Spencer that don't have any formal drainage systems. He also remarked that he knows there a five year plan and right now, he feels that he doesn't want to promise big changes as the City of Spencer does not have the money to finance it. He said they will start small and do

what is feasible financially. Mr. Harrington reminded everyone that there will be no federal money for this program. He said to commit to the minimum necessary, get the paper work going and the system operating. Mr. Streets commented that the greatest resources we have are the other communities that will be dealing with the same public education issues.

Mr. Streets asked if sampling is done, do the 40 CFR 136 guidelines need to be followed. Mr. Harrington said if that data is ever going to be defended in a court of law, you will need to follow those guidelines.

IV. NEW BUSINESS

Ms. Kennedy said that the Stormwater fairy used in the public education campaign for the program is a very catchy mascot. However, she wondered if ACOG has considered whether or not the fairy is politically sensitive. Mr. Harrington said he had talked to the people who are developing it as well as to Jerry Church and it is their consensus that it was not politically incorrect.

V. ADJOURNMENT

The meeting adjourned at 10:55 a.m.

MEMORANDUM

TO: Garber-Wellington Technical Committee
FROM: John M. Harrington
DATE: March 11, 2005
RE: Phase II Stormwater Permit

Phase II is now upon us!!

If you do not have an NOI, we will have handouts and the ODEQ will be placing on their website the NOI form to use for your **May 8 application**. Karen Milford, ODEQ stormwater program manager, will be at our meeting to help with the application / SWMP process and to answer any of your questions. ACOG can develop local maps of each city's boundaries with respect to 303(d) listed streams for your use in the SWMP. I will also be adding the center "latitude-longitude" coordinates of the approximate center of your city required in OKR04. ACOG can set meeting dates with individual cities to customize their SWMPs, and I will be happy to assist all who request help.

Initial feedback from EPA on our stormwater educational programming is positive. The recommendations are minimal at best and very manageable. We are very close to getting "official" approval on our program products very soon.

ODEQ would prefer not to have sent to them the entire SWMP document when you send in your Notice of Intent (NOI). ODEQ would prefer a summary of BMPs, measurable goals, etc. You still must have a full SWMP document, but ODEQ would prefer only BMP summaries to accompany the NOI. Richard Smith at INCOG has prepared a few options for these NOI BMP submittals and just now sent them to ODEQ for review. He will provide the templates when ODEQ lets me know which format they prefer. INCOG is still working on the model SWMP document.

EPA Region VI is hosting a 5-day stormwater conference, with this year's venue in Oklahoma City. Nancy Kennedy of Edmond is on the planning committee, and she has the contact information and a website (www.epa.gov/earth1r6/6wq/npdes/sw/ms4/index.htm) to visit for more details. This year's regional conference is in Oklahoma, and many of the topics will be about Phase II. This will be a great opportunity to network amongst fellow permittees as well as attend some very informative sessions.

This EPA Region 6 website is where everyone can find information on the annual Region 6 MS4 Operators conferences including the upcoming one in OKC this summer June 13th - 17th. Also on this page is a link to join the Region 6 MS4 Operators contact list to get the latest and greatest information on the conference and other Phase I / Phase II information from Brent Larsen at EPA.

It would be wise to also join the EPA Region 6 Operators Contact List as mentioned above. Also, the ODEQ last year established their own List-Serve on an independent web host. Instructions for joining this List-Serve are provided by Karen Milford. DEQ has provided an e-mail service for regulated communities and regulators since April 2004. This service provides a means for MS4s to ask questions and share information with others. It also allows EPA and DEQ a way of providing timely updates of storm water regulations. DEQ encourages all MS4s (Phase I and Phase II) to use this email service. You may sign up for the e-mail service by sending an email to okms4-subscribe@topica.com. Just follow the instructions provided by topica.com in their return e-mail.

MEMORANDUM

TO: Garber-Wellington Policy and Technical Committees
FROM: John M. Harrington
DATE: March 11, 2005
RE: Progress Report

A geochemical model for a North Canadian DO model is currently in preparation. Draft TMDL report due out late March.

Contracts with OSE have been signed for the ACOG pathogen study next summer project. Turbidity meter and YSI probe purchased and delivered. Staff is researching methodology for generating frequency curves in non-gauged streams.

Request for proposals for the earth resistivity imaging system is now on the ACOG website.

Additional maps (Wellington "B" Interval) have been drafted for inclusion in the arsenic report. The draft for the Phase I arsenic study report is out for comment and review. Final report is due in late March.

The Oklahoma Department of Environmental Quality (DEQ) has issued the final Phase II stormwater permit. Notices of Intent (NOI) must be filed with DEQ by May 8, 2005.